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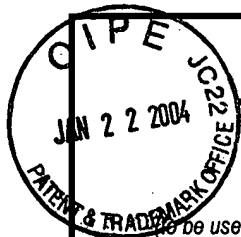


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PTO/SB/21 (6-99)

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# TRANSMITTAL FORM

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		Application Number	09/904,956
		Filing Date	JULY 14, 2001
		First Named Inventor	AVI ASHKENAZI
		Group/Art Unit	1646
		Examiner Name	CHERNYSHEV, OLGA N.
Total Number of Pages in This Submission	40	Attorney Docket Number	39780-1618 P2C29

## ENCLOSURES (check all that apply)

<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Copy of an Assignment	<input type="checkbox"/> After Allowance Communication to Group
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment / Response	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input checked="" type="checkbox"/> REQUEST TO WITHDRAW THE HOLDING OF ABANDONMENT UNDER 37 C.F.R. 1.181 WITH ACCOMPANYING DOCUMENTS	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Version With Markings Showing Changes	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, by Assignee to Exclusion of Inventor Under 37 C.F.R. §3.71 With Revocation of Prior Powers	<input type="checkbox"/> Additional Enclosure(s) (please identify below):
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Terminal Disclaimer	<input checked="" type="checkbox"/> STAMPED RETURN POSTCARD
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Small Entity Statement	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Response to Missing Parts/ Incomplete Application		
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	Remarks	
<input type="checkbox"/> Copy of Notice	AUTHORIZATION TO CHARGE DEPOSIT ACCOUNT 08-1641 FOR ANY FEES DUE IN CONNECTION WITH THIS PAPER, REFERENCING ATTORNEY'S DOCKET NO. 39780-1618 P2C29	

## SIGNATURE OF APPLICANT, ATTORNEY OR AGENT

Firm or Individual name	HELLER EHRMAN WHITE & McAULIFFE LLP		DAPHNE REDDY (Reg. No. 53,507)	
	275 Middlefield Road, Menlo Park, California 94025		Telephone: (650) 324-7000	Facsimile: (650) 324-0638
Signature	Daphne Reddy			
Date	January 22, 2004	Customer Number:	35489	

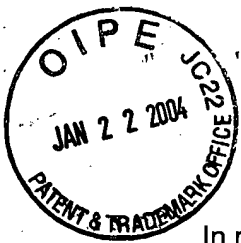
## CERTIFICATE OF EXPRESS MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. §1.10 on the date indicated below and addressed to: MAIL STOP, Commissioner for Patents, PO Box 1450, Alexandria, Virginia 22313-1450, on this date: **January 22, 2004**

Express Mail Label **EL 977 676 525 US**

Typed or printed name	C. FONG		
Signature	C. Fong	Date	January 22, 2004

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop \_\_\_\_, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.



## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:	) Examiner: Chernyshev, Olga N.
Avi ASHKENAZI, et al.	) Art Unit: 1646
Application Serial No. 09/904,956	) Attorney's Docket No. 39780-1618 P2C29
Filed: July 14, 2001	) Customer No. 35489
For: <b>SECRETED AND</b>	)
<b>TRANSMEMBRANE</b>	)
<b>POLYPEPTIDES AND NUCLEIC</b>	)
<b>ACIDS ENCODING THE SAME</b>	)

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Date Mailed: JANUARY 22, 2004

### REQUEST TO WITHDRAW THE HOLDING OF ABANDONMENT UNDER 37 C.F.R. 1.181

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Dear Sir:

In connection with the above-identified patent application, a Notice of Abandonment was mailed on December 18, 2003. According to the Notice, the application is abandoned in view of Applicants' failure to timely file a proper reply to the Office letter dated February 24, 2003.

Applicants submit that the Notice of Abandonment was issued in error.

Applicants timely filed a reply to the Office Action of February 24, 2003 on May 27, 2003, in view of the Memorial day holiday, along with a Supplemental IDS and the payment of the requisite fee. As attested by the attached photocopy of a return receipt postcard, the reply was received in the Patent Office on May 27, 2003. Accordingly, the application has not been abandoned.

For the Examiner's convenience, Applicants enclose a copy of the documents originally filed on May 27, 2003, and request the withdrawal of the holding of abandonment, and the issuance of an early Notice of Allowance.

The present request is filed within two months from the date of the Notice of

Abandonment and is therefore timely.

Although no fees are due, the Commissioner is hereby authorized to charge any fees, including any fees for extension of time, or credit overpayment to Deposit Account No. 08-1641 (Attorney's Docket No. 39780-1618 P2C29). Please direct any calls in connection with this application to the undersigned at the number provided below.

Respectfully submitted,

Date: January 22, 2004

By: Daphne Reddy  
Daphne Reddy (Reg. No. 53,507)

**HELLER EHRMAN WHITE & McAULIFFE LLP**  
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1/21/04 4:25 PM (39780.1618)